



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,562	03/01/2004	Abraham Bout	2578-4038.3US	9903
24247	7590	07/13/2007	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			SCHLAPKOHL, WALTER	
		ART UNIT	PAPER NUMBER	
		1636		
		MAIL DATE	DELIVERY MODE	
		07/13/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/790,562	BOUT ET AL. <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Walter Schlapkohl	1636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 April 2007.
- 2a) This action is FINAL.                  2b) This action is non-final:
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1, 7-21 and 25-56 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,7-13,15-18,20,21,25-34,36-39 and 41-56 is/are rejected.
- 7) Claim(s) 14,19,35 and 40 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 June 2006 and 01 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

Art Unit: 1636

**DETAILED ACTION**

Receipt is acknowledged of the papers filed 4/12/2007 in which claims 1, 7, 9, 14, 18, 20-21, 25-26, 29, 35, 39, 41, 45, 52 and 56 were amended. Claims 1, 7-21 and 25-56 are pending and under examination in the instant Office action.

Any rejection of record not recited herein is hereby WITHDRAWN.

***Specification***

The disclosure is objected to because of the following informalities: the first paragraph of the specification should be updated to reflect the patent (U.S. Patent No. 6,855,544) which issued from Application No. 09/549,463 to which Applicant has claimed priority.

Appropriate correction is required.

***Election/Restrictions***

Applicant's request for rejoinder has been carefully considered. In order to expedite prosecution of the case, Examiner agrees to rejoin all previously withdrawn claims.

Art Unit: 1636

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth in the Office action mailed on 11/3/2005 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant

Art Unit: 1636

regards as the invention. This is a new rejection not necessitated by Applicant's amendment.

Claim 7 recites "[t]he eukaryotic cell of claim 1, wherein the first and second nucleotide sequences encoding the adenoviral E1A and E1B proteins are integrated in the genome of the eukaryotic cell and comprise nucleotides 459-3510 (SEQ ID NO:33) of an adenovirus 5 genome" in lines 1-4 (emphasis added).

Claim 7 is vague and indefinite in that the metes and bounds of the nucleotides comprised within the first and second nucleotide sequences encoding the adenoviral E1A and E1B proteins are unclear because the scope of "nucleotides 459-3510 of an adenovirus 5 genome" and "SEQ ID NO:33" are not the same.

Amendment of the claim to read "...wherein the first and second nucleotide sequences encoding the adenoviral E1A and E1B proteins are integrated in the genome of the eukaryotic cell and comprise SEQ ID NO:33" would, e.g., be remedial.

Similarly, claim 25 recites first and second nucleotide sequences encoding E1A and E1B proteins comprising "nucleotides 459-3510 (SEQ ID NO:33) of an adenovirus genome" and, as such, is vague and indefinite as explained for claim 7, above.

Art Unit: 1636

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 7-9, 11-13, 17, 21, 25-26, 28, 32-34, 38, 42-44, 49-51 and 55 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 25-26, 30-31, 35-36, 50-55, 59-63 and 65-68 of copending Application No. 10/499,298. This provisional rejection is maintained for reasons of record but has been

Art Unit: 1636

amended in part as necessitated by rejoinder of previously withdrawn claims.

The claims of the copending Application are not patentably distinct because the instant claims are drawn to a genus of cells and methods for the production of any protein of interest by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus, whereas the claims of the copending Application are drawn to such cells/methods wherein the protein of interest is a bivalent multimeric antibody fragment lacking at least a C-terminal constant domain of an antibody's heavy chain. As such the instant claims are drawn to a genus of cells/methods which anticipate the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 7-9, 11-13, 17-18, 32-34 and 38-39 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 28-50 and 89-90 of copending Application No. 11/593,279. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are both drawn to PER-C6 cells which produce a heterologous immunoglobulin, a

Art Unit: 1636

variable domain of an antibody or an antibody itself. This provisional rejection is maintained for reasons of record.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21, 25-26, 42-44 and 49-51 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/039,767. This is a new rejection necessitated by rejoinder of the previously withdrawn method claims.

The claims of the copending Application 11/039,767 are not patentably distinct because the instant claims are drawn to a genus of methods for the production of any protein of interest by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such methods wherein the protein of interest is an immunoglobulin light chain which can pair with at least three different immunoglobulin heavy chains. As such the instant claims are drawn to a genus of methods which anticipate the copending claims.

Art Unit: 1636

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21, 25-29, 42-45; 48-52, and 55-56 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-57 of copending Application No. 11/592,409. This is a new rejection necessitated by rejoinder of the previously withdrawn method claims.

The claims of the copending Application 11/592,409 are not patentably distinct because the instant claims are drawn to a genus methods for the production of any protein of interest, including an immunoglobulin, a human protein and erythropoietin, by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such methods wherein the protein of interest is also immunoglobulin, a human protein and erythropoietin, but wherein the cell originates from the human embryonic retina. As such the instant claims are drawn to a genus of methods which anticipate the copending claims.

Art Unit: 1636

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 7-9, 17-18, 20-21, 25-26, 28-29, 38-39, 41 and 55-56 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 11/280,757. This is a new rejection necessitated in part by rejoinder of the previously withdrawn method claims.

The claims of the copending Application 11/280,757 are not patentably distinct because the instant claims are drawn to a genus of cells/methods for the production of any protein of interest by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such cells/methods wherein the protein of interest is Factor VIII. As such the instant claims are drawn to a genus of cells/methods which anticipate the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Art Unit: 1636

Claims 1, 7-9, 15, 21, 25-26, 36, 46 and 53 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 and 29-30 of copending Application No. 11/110,517. This is a new rejection necessitated in part by rejoinder of the previously withdrawn method claims.

The claims of the copending Application 11/110,517 are not patentably distinct because the instant claims are drawn to a genus of cells/methods for the production of any protein of interest by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such cells/methods wherein the protein is comprised within a West Nile virus. As such the instant claims are drawn to a genus of cells/methods which anticipate the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21, 25-26, 29, 46-47, 53-54 and 56 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 11/271,368. This is a new rejection

Art Unit: 1636

necessitated by rejoinder of the previously withdrawn method claims.

The claims of the copending Application 11/271,368 are not patentably distinct because the instant claims are drawn to a genus methods for the production of any protein of interest by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such methods wherein the protein is a viral protein including protein of Western- or Venezuelan equine encephalomyelitis virus. As such the instant claims are drawn to a genus of methods which anticipate the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1, 7-9, 15-16 and 36-37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 31-34 and 37 of copending Application No. 11/450,038. This is a new rejection not necessitated by Applicant's amendment.

The claims of the copending Application 11/450,038 are not patentably distinct because the instant claims are drawn to a genus of cells for the production of any protein of interest,

Art Unit: 1636

including an influenza virus protein, by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such cells wherein the protein is an influenza virus protein. As such the instant claims are drawn to a genus of methods which anticipate the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21, 25-26, 29, 46-47, 53-54 and 56 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 and 18 of copending Application No. 11/256,352. This is a new rejection necessitated by rejoinder of the previously withdrawn method claims.

The claims of the copending Application 11/256,352 are not patentably distinct because the instant claims are drawn to a genus of cells for the production of any protein of interest, including an influenza virus protein, by a human embryonic retinoblast cell transformed with the E1 region of an adenovirus and the claims of the copending Application are drawn to such cells wherein the protein is an influenza virus protein. As

Art Unit: 1636

such the instant claims are drawn to a genus of methods which anticipate the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 21, 25-26, 46-47 and 53-54 are rejected on the ground of nonstatutory double patenting over claims 1-21 of U.S. Patent No. 7,192,759 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. This is new rejection necessitated by rejoinder of the previously withdrawn methods claims.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: the claims of the instant Application are drawn to a genus of methods for the production of any protein of interest, including viral proteins which are non-adenoviral proteins, including the influenza virus protein hemagglutinin, by a human embryonic retinoblast cell, and the claims of the '759 Patent are drawn to such a method wherein the protein of interest is an influenza viral protein.

Art Unit: 1636

Furthermore, there is no apparent reason why Applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

*Response to Arguments*

Applicant argues that that, while not in agreement with the provisional rejections set forth in the previous Office action on the ground of non-statutory obviousness-type double patenting, Applicant is willing to submit appropriate terminal disclaimer(s) in order to expedite prosecution. Applicant has also requested that these rejections be held in abeyance until rejoinder of the withdrawn method claims in view of the discussion at the interview of April 3, 2007.

Applicant's arguments have been carefully considered. Examiner has set forth the appropriate rejections on the ground of non-statutory obviousness-type double patenting, including, as appropriate, for newly rejoined method claims.

Claims 1, 7-9, 11-13, 17, 21, 25-26, 28, 32-34, 38, 42-44, 49-51 and 55 are directed to an invention not patentably distinct from claims 25-26, 30-31, 35-36, 50-55, 59-63 and 65-68

Art Unit: 1636

of commonly assigned copending Application No. 10/499,298 as explained above.

Claims 1, 7-9, 11-13, 17-18, 32-34 and 38-39 are directed to an invention not patentably distinct from claims 28-50 and 89-90 of commonly assigned copending Application No. 11/593,279 as explained above.

Claims 21, 25-26, 42-44 and 49-51 are directed to an invention not patentably distinct from claims 1-20 of commonly assigned copending Application No. 11/039,767 as explained above.

Claims 1, 7-9, 17-18, 20-21, 25-26, 28-29, 38-39, 41 and 55-56 are directed to an invention not patentably distinct from claims 1-23 of commonly owned copending Application No. 11/280,757 as explained above.

Claims 1, 7-9, 15, 21, 25-26, 36, 46 and 53 are directed to an invention not patentably distinct from claims 1-22 and 29-30 of copending Application No. 11/110,517 as explained above.

Claims 21, 25-26, 29, 46-47, 53-54 and 56 are directed to an invention not patentably distinct from claims 1-36 of copending Application No. 11/271,368.

Claims 1, 7-9, 15-16, 36-37 are directed to an invention not patentably distinct from claims 31-34 and 37 of copending Application No. 11/450,038 as explained above.

Art Unit: 1636

Claims 21, 25-26, 29, 46-47, 53-54 and 56 are directed to an invention not patentably distinct from claims 1-14 and 18 of copending Application No. 11/256,352 as explained above.

Claims 21, 25-26, 46-47 and 53-54 are directed to an invention not patentably distinct from claims 1-21 of commonly assigned Patent No. 7,192,759 as explained above.

In addition, the following claims/commonly assigned US Patents/US Patent Applications were previously found to be directed to inventions which were not patentably distinct and for which effective terminal disclaimers were submitted and approved:

Claims 1, 7-13, 31-34 are directed to an invention not patentably distinct from claims 1 and 6-11 of copending Application No. 10/644,256 because, although the conflicting claims are not identical, both sets of claims are drawn to the use of a PERC6 cell to produce a protein of interest. The instant claims are drawn to a genus of such cells in which the protein produced is any protein of interest, including immunoglobulins and monoclonal antibodies whereas the claims of the reference application are drawn to the species of cells which produce a recombinant IgA antibody.

Claims 1, 7-13, 21, 25-27, 30-34, 41-44, 48-51 and 56 are directed to an invention not patentably distinct from claims 1-

Art Unit: 1636

20 of copending Application No. 11/271,090. Although the conflicting claims are not identical, they are not patentably distinct from each other. The instant claims are drawn to a eukaryotic cell encoding adenoviral E1A and E1B proteins, said cell comprising recombinant nucleic acid encoding a protein of interest. The copending claims are drawn to an immortalized human retina cell expressing E1A and E1B proteins of an adenovirus, wherein said immortalized human retina cells comprise recombinant nucleic acid encoding an IgM molecule in expressible format. The copending claims are drawn a species of the instant claims' genus insofar as the copending claims are drawn to *immortalized human retina cells* comprising recombinant nucleic acid encoding a human IgM molecule, whereas the instant claims are drawn to a *eukaryotic cell* comprising recombinant nucleic acid ending any proteinaceous substance. The copending claims are also drawn to a species of the instant claims' genus insofar as the copending claims limit the cell to one expressing adenoviral E1A and E1B proteins as opposed to the instant claims which only limit the cell to one encoding such proteins. Both sets of claims are drawn to PERC6 cells which lack a nucleotide sequence for a structural adenoviral protein in its genome and which does not express a structural adenoviral protein.

Art Unit: 1636

Claims 1, 7-10 and 31 are directed to an invention not patentably distinct from claims 42-53 of copending Application No. 11/026,518. Although the conflicting claims are not identical, they are not patentably distinct from each other. The instant claims are drawn to a eukaryotic cell encoding E1A and E1B proteins of an adenovirus, said cell comprising recombinant nucleic acid encoding a proteinaceous substance in expressible format. The claims are further drawn to such a cell wherein said cell is a human cell, wherein said cell is derived from a retina cell, wherein said cell is derived from a primary cell and wherein said cell is derived from a cell deposited under ECACC number 96022940. The claims are further drawn to such a cell in culture. The copending claims are drawn an immortalized human embryonic retina cell comprising a nucleic acid sequence encoding an adenoviral E1A protein and nucleic acid sequence encoding an enzyme involved in post-translational modification of proteins, wherein said enzyme is under control of a heterologous promoter. The instant claims are drawn to a genus of the copending claims' species insofar as the copending claims are drawn to an immortalized human embryonic retina cell whereas the instant claims are drawn more broadly to any eukaryotic cell. The instant claims are drawn to a species of the copending claims' genus insofar as the instant claims

Art Unit: 1636

encompass cells which comprise a nucleic acid sequence encoding an adenoviral E1B proteins in addition to an adenoviral E1A proteins.

The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300).

Commonly assigned Applications (10/499,298; 11/593,279; 11/039,767; 11/280,757; 11/110,517; 11/271,368; 11/450,038; 11/256,352; 10/644,256; 11/271,090; and 11/026,518) and commonly assigned Patent 7,192,759, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or

Art Unit: 1636

35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

***Allowable Subject Matter***

Claims 14, 19, 35 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Certain papers related to this application may be submitted to the Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is (571) 273-8300. Note: If Applicant does submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.

Art Unit: 1636

Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent applications to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

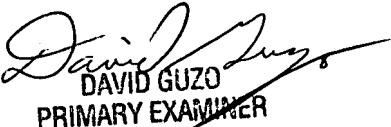
For all other customer support, please call the USPTO Call Center (UCC) at (800) 786-9199.

Any inquiry concerning rejections or objections in this communication or earlier communications from the examiner should be directed to Walter Schlapkohl whose telephone number is (571) 272-4439. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Joseph Woitach can be reached at (571) 272-0739.

Walter A. Schlapkohl, Ph.D.  
Patent Examiner  
Art Unit 1636

June 28, 2007

  
DAVID GUZO  
PRIMARY EXAMINER